IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3547 of 2005

Between:

M.Prasada Rao S/o.Late Viswanadham
Ro.Flat No.S.6 D.No.49-27-42, Sai Vigneswara Apartments
Madhuranagar, Visakhapatnam-16.

..... PETITIONER

AND

1 Visakhapatnam Muncipal Corporation Rep. by its Commissioner, Visakhapatnam.
2 The Commissioner, Town Planning Section,
Visakhapatnam Muncipal Corporation Visakahapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly a writ in the nature of Mandamus, declaring the action of the respondents herein in interfering with the possession, construction of the petitioner property in Plot No.11 Block 2, T.P.No.43/63, Allipuram Ward, Dwarakanagar, Visakhapatnam as arbitrary, illegal, and unconstitutional and pass such other order orders.

Counsel for the Petitioner : MR. K.V.SUBRAMANYA NARASU

Counsel for the Respondents : MR.T.S.VENKATARAMANA

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.3547 OF 2005

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

The petitioner states that he is the owner and possessor of Ac.0-94 sq.yards of site in Plot No.11, Par Block No.2 in Old Survey No.33/6 B part and new Sy.No.33/6 of Town Planning No.43/63 of Allipuram Ward Seethampeta, Visakhapatnam, having purchased the same under the Registered Sale Deed dated 5-1-2005. It is also stated that having purchased the said property, he made an application to the respondents for sanction of the plan for the construction of the ground, first and second floor building and accordingly by order dated 27-01-2005 the respondents have sanctioned the plan and immediately thereafter he started construction of the

building. However, while the work is in progress, the officials of the respondents have been interfering with the construction without there being any justifiable reason. Aggrieved by the said action, this writ petition is filed.

A copy of the sale deed in favour of the petitioner as well as the permission granted by the Corporation dated 27-01-2005 have been placed before this Court.

In the circumstances, the writ petition is disposed of with a direction to the respondents not to interfere with the construction of the petitioner if the petitioner is proceeding with the construction in accordance with the sanctioned plan dated 27-01-2005 as well as the relevant statutory provisions.

The Writ Petition is accordingly disposed of. No costs.

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25th February, 2005.

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To

1 The Commissioner, Visakhapatnam Muncipal Corporation, Visakhapatnam.
2 The Commissioner, Town Planning Section,
Visakhapatnam Muncipal Corporation Visakahapatnam.

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